

AMENDMENT UNDER 37 C.F.R. § 1.116...
U.S. APPLN. NO. 10/812,065

REMARKS

In view of the indicated allowability of dependent claims 4-9 if they are rewritten in independent form (see page 4 of the Office Action), Applicant has so rewritten claim 4 (4/3/2) in independent form, and amended claim 10 to make it dependent on claim 4, whereby Applicant respectfully submits that claims **4-10 now are allowable.**

Applicant also respectfully requests the Examiner to consider and allow new claim 11 which is equal to claim 2 plus claim 4 which contains the limitation which apparently rendered claim 4/3/2 allowable and which limitation is not disclosed or suggested in either Todoki '626 or Kikuchi (JP '526), and, Applicant respectfully notes that the Examiner does not even assert that such limitation (of claim 4) is taught or suggested by either of these two references.

Therefore, Applicant respectfully requests the Examiner also now to **allow new claim 11 (4/2).**

If for any reason the Examiner feels that the application is not now in condition for allowance with all of claims 2-11, Applicant respectfully requests the Examiner to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

REQUEST FOR WITHDRAWAL OF FINALITY OF ACTION

Applicant respectfully disagrees with the Examiner's statement, "However, the new prior art rejection, necessitated by the amendment, is made".

The original claim 2 contained the limitations, "a friction member for contacting an end surface...", and "said biasing member pressing said friction member to said end surface...".

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The prior amendment to claim 2 merely clarified the English translation of the original Japanese language; that is, "pressing said friction member to said end surface" was edited to read "pressing said friction member against, and into frictional contact with, said end surface...".

Thus, Applicant respectfully submits that the amendments made to the last two clauses of claim 2 merely made explicit what was previously implicit, and certainly did not change the scope of the claim or the subject matter to be considered in the prior art search.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw the finality of the present Office Action, so that the Examiner will consider and enter the new claim 11 and the amendment to claim 10, as it does not seem reasonable to force Applicant to incur the expense of filing an RCE in order to have claims 11 and 10 considered in the present application.

Applicant did not earlier amend claim 10 or add the new claim 11 since such were not considered necessary until the Examiner, in the final Office Action, for the first time relied on Kikuchi 'JP '526. In any event, no further search would be necessary in order to consider (and allow) the amended claim 10 and the new claim 11.

In summary, then, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 103(a), and to find the application to be in condition for allowance with all of claims **4-11**.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees

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under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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